

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

CHRISTOPHER BLACKWELL,

Plaintiff,

v.

MCLENNAN COUNTY, WACO PO-
LICE DEPARTMENT, ABEL REYNA,
IN HIS OFFICIAL CAPACITY AS
MCLENNAN COUNTY DISTRICT AT-
TORNEY;

Defendants.

CIVIL NO. W-23-CV-00396-ADA

ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske. ECF No. 26. The report recommends Defendants Waco Police Department, McLennan County, and Abel Reyna’s Motions to Dismiss, ECF Nos. 10, 11, 12, be **GRANTED** and that Plaintiff Christopher Blackwell’s Motion for Summary Judgment, ECF No. 14, and Defendants McLennan County and Abel Reyna’s Motion to Strike Plaintiff’s Motion for Summary Judgment, ECF No. 16, be **DENIED AS MOOT**. The report and recommendation was filed on December 19, 2023.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

Plaintiff filed untimely objections on January 8, 2024. ECF No. 27.¹ Defendants McLennan County and Abel Reyna filed a response on January 22, 2024. ECF No. 28. The Court has conducted a clear error review of the motions to dismiss, the responses, the replies, the motion for summary judgment briefing, the motion to strike motion for summary judgment briefing, the report and recommendation, the objection to the report and recommendation, and the applicable laws. After that review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske., ECF No. 26, is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's objections are **OVERRULED**.

IT IS FURTHER ORDERED that Defendants' Motions to Dismiss, ECF Nos. 10, 11, and 12, are **GRANTED** in accordance with the Report and Recommendation.

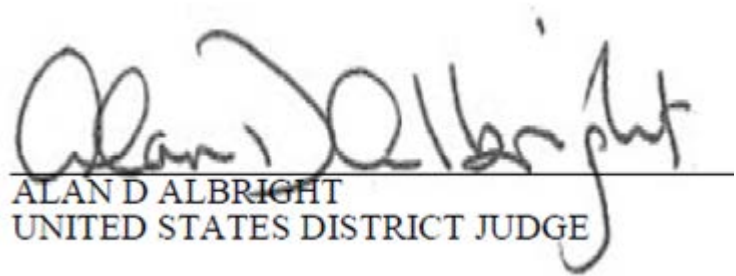
IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment, ECF No. 14, is **DENIED AS MOOT** in accordance with the Report and Recommendation.

IT IS FURTHER ORDERED that Defendants McLennan County and Abel Reyna's Motion to Strike Motion for Summary Judgment, ECF No. 16, is **DENIED AS MOOT** in accordance with the Report and Recommendation.

IT IS FINALLY ORDERED that the Clerk of Court is respectfully directed to close the case.

¹ Specifically, because the Report and Recommendations were filed on December 19, 2023, objections would ordinarily be due by January 2, 2024, 14 days after service. However, since Plaintiff was served with the Report and Recommendations by mail, Fed. R. Civ. P. 6(d) gave him a three-day extension to January 5, 2024. Plaintiff's objections are postmarked January 5 but were stamped received and filed by the Clerk's Office on January 8. Plaintiff's objections were therefore untimely filed. In addition, even were the Court to conduct a *de novo* review of the Report and Recommendations, it would still adopt them and overrule Plaintiff's objections.

SIGNED this 20th day of March, 2024.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE